

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES EDWARD SANDFORD, III,

Defendant.

DECISION AND ORDER

15-CR-6101L

Defendant, James Edward Sandford, III (“Sandford”), was convicted after trial on three counts of a multi-count Superseding Indictment. Since the jury was unable to reach a unanimous verdict on the remaining eleven counts, the Court declared a mistrial as to those counts only.

On January 22, 2018, Sandford was sentenced principally to an aggregate term of imprisonment of 156 months on the three counts. That sentence and judgment has been affirmed by the United States Court of Appeals for the Second Circuit. 841 Fed. App’x 649 (2020); 859 Fed. App’x 602 (2021).

The Government has advised that it does not intend to retry Sandford on the remaining eleven counts of the Superseding Indictment.

Sandford has filed a motion, *pro se*, seeking dismissal of the remaining counts of the Superseding Indictment and for return of his property seized by the Government in connection with the prosecution (Dkt. #368). The Government filed its Response (Dkt. #370) and does not oppose Sandford’s motion for the reasons set forth in the Response.

CONCLUSION

Defendant's motion to dismiss (Dkt. #368) is GRANTED and Counts 1-11 of the Superseding Indictment are hereby DISMISSED with prejudice.

The Government is ordered to return to defendant or his designated (in writing) representative any property seized from Sandford as part of the investigation and prosecution, that does not constitute contraband. This property is to be made available for pickup at the United States Courthouse, 100 State Street, Rochester, New York, within thirty (30) days of the Government's receipt of written notice of defendant's representative. That representative will sign a receipt for any distributed property.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
April 7, 2022.